

## REMARKS

### Introductory Comments:

Claims 1-21 were examined in the Office Action dated December 12, 2007, claims 22-25 having been withdrawn.

Claims 1-21 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

Claims 16 and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by Kong et al.

Claims 1-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Che et al in view of Kong et al.

Claims 17 and 18 were said to be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph.

The drawings were objected to because the reference character 3 in Figure 2 was said not to be mentioned.

The specification was objected to because the disclosure should have said “page 3 paragraph 8” instead of “page 2 paragraph 7” on page 10, lines 6-7.

## SUPPORT FOR AMENDMENTS

The specification, at page 10, lines 6-7, has been amended to refer to page 3, paragraph 8, instead of page 2, paragraph 7. The applicants thank the Examiner for suggesting the amendment.

Claim 1 has been amended to recite the composition of the thin catalyst layer. The amendment finds support throughout the specification, such as, for example claim 17 as originally pending.

Claims 1, 3, 11, and 18 have been amended to recite “thin catalyst layer” instead of “catalyst.” The amendment corrects for antecedent basis.

Claim 9 has been amended to recite “said porous membrane” instead of “said membrane.” The amendment corrects for antecedent basis.

Claims 16, 17, and 19-25 have been canceled without prejudice.

Claim 18 has amended to depend from claim 1 instead of now canceled claim 17. The amendment corrects for antecedent basis.

Accordingly, no new matter has been added by way of this amendment and the entry thereof is respectfully requested.

## **REJECTIONS OF THE CLAIMS UNDER 35 U.S.C. §112**

The Examiner rejected claims 1-21 under 35 U.S.C. §1112, second paragraph, as allegedly being indefinite.

(a) Claims 1, 3, 11, and 18 were rejected because “said catalyst” was said to have insufficient antecedent basis. The applicants have amended the claims to recite “said thin catalyst layer” thereby providing antecedent basis. The Examiner is therefore respectfully requested to withdraw the rejection.

(b) Claim 9 were rejected because “said membrane” was said to have insufficient antecedent basis. The applicants have amended the claim to recite “said porous membrane” thereby providing antecedent basis. The Examiner is therefore respectfully requested to withdraw the rejection.

(c) The rejection of claims 16, 17, 19, 20, and 21 is made moot by the cancellation of the claims.

#### **REJECTIONS OF THE CLAIMS UNDER 35 U.S.C. §102(b)**

The rejection of claims 16 and 19 as anticipated by Kong is made moot by the cancellation of the claims.

#### **REJECTIONS OF THE CLAIMS UNDER 35 U.S.C. §103(a)**

The Examiner rejected claims 1-21 as being unpatentable over Che in view of Kong, and suggested that rewriting claims 17 and 18 would be allowable subject matter. The applicants have written the limitations of claim 17 into the independent claim 1. The Examiner is therefore respectfully requested to withdraw the rejection.

#### **OBJECTIONS**

(a) The drawings were objected to because the reference character 3 in Figure 2 was said not to be mentioned. The applicants draw the Examiner’s attention to paragraph 21, which states that Figure 3 “is a cross-section taken along line 3-3 in FIG. 2.” The Examiner is respectfully requested to withdraw this objection.

(b) The specification was objected to because the disclosure should have said “page 3 paragraph 8” instead of “page 2 paragraph 7” on page 10, lines 6-7. The applicants thank the

Examiner for the suggested amendment, and have made the amendment. Therefore, the Examiner is respectfully requested to withdraw this objection.

## CONCLUSION

Consideration of the claims is respectfully requested, and a notice of allowance is earnestly solicited. If the Examiner has any questions concerning this Amendment, the Examiner is invited to telephone Applicants' representative at (650) 335-7818.

Respectfully submitted,  
Leonid Grigorian *et al.*

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